G. R. S. 59]

GENERAL AND REVENUE SECRETARIAT.

19/2-B
(Munshi)

File No. 227 of 1912

Serial Nos. 1-4

Papers Filed.

Month January 1913

SUBJECT

Transfer of the cheque issued in favour of Contractor Abdul Rahman to the credit of Shiva Co.

PREVIOUS REFERENCES.	LATER REFERENCES.

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GENERAL AND REVENUE SECRETARIAT.

(Mul)

NOTES.

File No. 227

File Heading.

Transfer of cheque issued in favour of Contractor Abdul Rahim by the Municipality of Shimoga

From The Dy. Comr., Shimoga &c

No. 460 Dated 3.1.1913 Received 6-1-1913

Diary No. 3 p. 27	Enclos	Spare Copies	Serial No

Brief Abstract of Letter.

Requests instructions as to whether the cheque for Rs 118-12-0 issued in favour of the lighting Contractor Abdul Rahim may be cancelled in the circumstances stated & a fresh cheque issued in favour of the Municipality

NOTES AND ORDERS.

2) On Req^n March 1912 a cheque for Rs 118-12-0 on account of lighting charges of the Shimoga Mun^l for the month of Nov^r 1910 was issued in favour of Contractor Abdul Rahim.

Notes—First Sheet.

GPD—85,000—15-6-12

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General and Revenue Secretariat. | File No. [illegible] of 191[illegible]

Serial No.	
	The Vice President to whom it was sent for delivery to the party forwarded the cheque to the Munsiff of Shimoga who had issued a warrant attaching the amount. The Munsiff wanted a fresh cheque be issued for the amount. The Comptroller who at first stated that no fresh cheque need be issued the original one being retained if necessary has now stated that a fresh cheque as desired by the Munsiff may be issued but that however the Govt Advocate may be consulted in the matter. The D.Y. Comr forwards his letter to the Govt Advocate through this office, probably with reference to the Govt Advocate's letter No. 512 dated 1-5-13 to the Vice President
	3) Memo forwarding it to the Govt Advocate is submitted for favour of signature
	14/4/13 4) Issue 14/4/13
	5) Govt Advocate No. 5098 dated 14/4/13 To forward the above letter of [illegible]

Note—Contin. sheet.

4134

P S 12]

General and Revenue Secretariat | Jud File No. 227 of 1912

Serial No	
3	6) From Hooghly Advocate to the Dy Comr through the Secs. No 180 d 20 1 1913 (D 4134) praying that the present cheque issued in favour of the Contractor being void may be cancelled and a fresh cheque issued in favour of the Municipality. 7) Memo forwarding it is submitted for approval Dy Secy's perusal before issue. TS 69 23/4/13 8) Seen Dy Secy 24/4/13 9) Issue 24/4/13 10) To Dy Comr No 5448 dy 25 1 1913. Forwarded the above
4	7

Note—Contin. sheet.

Rel 227-12

Sl 1

Letter no. 460 d 3/1/1913 from the
Dy. Comm. Shimoga to the
Govt Advocate regd through
the Secy to Govt Genl Revenue
Dept.

abstract

Requests to be informed
whether the cheque issued in
favour of Khan Rahiman
Sahib regarding contractor's bill
Shimoga Mkt on account of liquor
charges for Nov 1910 may be
cancelled and a new one issued
in favour of the accountant of
Shimoga who has issued a
warrant, attaching the
amount

Rel file 52-12) to Sept-12

2

To the Govt Advocate

No 5098

Bgl 227-12)-29 11-

Jany 1913

Memo

Forwarded to the
Govt Advocate in Mysore
for favour of compliance

(Sd) T Govinda Rao

for Secy

3

ml File No. 229-12

3

Letter No. 180 d 20th January 1913

from Chief Legal Advocate

in Mysore to the Secty Govt

Shimoga &c

Forwards Copy of his

opinion in the matter referred

to in the Govt Controller No. 460

d 3rd January 1913

Copy of the opinion of the Govt Advocate on the question of the Stamp Duty Court's reference regarding the transfer of the cheque issued in favour of the Abdul Rahim, Supplying Contractor of the Stamp Duty in favour of the Commissioner of Stamps under the circumstances represented:-

opinion.

On the date on which the plaintiff placed the order of attachment on the money in the hands of the President, payable to the Contractor, it was a debt ~~payable~~ due to the Contractor. It is presumed that the ~~debt~~ attachment order was issued under O 21 R 46 of the Civil Procedure code. After receipt of attachment order the President is in law prohibited from making payment of the said to the Contractor. Under Section 64 of the Civil Procedure Code any payment made to the Contractor during the subsistence of the attachment is void against the claim of the attaching creditor. As under Clause (3) O. 21 R 46 of the Civil Procedure code a debtor on whom the prohibitory order is served may pay the amount of his debt into Court and such payment will in law discharge him

a effectually on payment of the [illegible] costs
declared thereby the amount due to the
plaintiff by the defendant to the Court. The amount
so paid in to be for the benefit of the plaintiff being
paid out to the plaintiff and a fresh charge
may be drawn in favour of the plaintiff and
delivered to him under clause (3) of O. 21, R. 46
of the Civil Procedure Code.

Bangalore
20. 1. 1913

(Sd.) C. S. Doraswamy Iyer
Sub Judge.

Memo No 5448/Encl 227-1-4 & 25/1/13

Forwards inter Letter No 180 dated 30th January

1913 from the Govt Advocate (8/3) to the

Dy Com. Stirling St